

TOWN OF WESTFORD  
**SPECIAL TOWN MEETING**

November 12, 2002

At a legal meeting of the inhabitants of the Town of Westford, qualified by law to vote in Town affairs, held at the Abbot School on Tuesday, November 12, 2002, called to commence at 7:30 pm, the following business was transacted:

Election officers, using voting lists, acted as tellers at the doors. A total of 232 voters were in attendance as the meeting began.

Ellen Harde, Town Moderator, declared that a quorum was present and called the meeting to order at 7:35 pm.

It was voted unanimously to allow Town employees and consultants who are not residents to address this meeting.

**ARTICLE 1. Compensation Plan Amendment / Town Manager**

It was VOTED That the Town amend the Pay Classification Plan for non-unionized Employees, effective July 1, 2002, with the following amendments:

Band 4 Water Treatment Plant Operator	Min \$42,750	Mid \$51,062	Max \$61,157
		to	
Band 5 Water Treatment Manager	Min \$47,881	Mid \$57,181	Max \$68,496
Senior Aide Outreach Worker	Min \$10.00		Max \$12.99
		to	
Senior Aide Outreach Worker	Min \$10.00		Max \$14.00

*Selectmen Recommend Approval*  
*Finance Committee Recommends Approval*  
*Personnel Advisory Committee Recommends Approval*

**ARTICLE 2. Fiscal Year 2003 Supplemental Appropriations / Town Manager**

It was VOTED UNANIMOUSLY that the Town raise and appropriate the sum of TEN THOUSAND THREE HUNDRED (\$10,300) DOLLARS to supplement the Fiscal Year 2003 budgets for the following Town Departments in the following amounts:

Fire Department, Expenses	\$5,300
Monument Maintenance Committee, Expenses	\$5,000

*Selectmen Recommend Approval*  
*Finance Committee Recommends Approval*

**ARTICLE 3: Fiscal Year Transfers; Various Departments/Town Manager**

It was VOTED UNANIMOUSLY to dismiss Article 3 at this time.

**ARTICLE 4. Oak Road Betterment / Board of Selectmen**

It was VOTED UNANIMOUSLY that the town accept, as a Town way, Oak Road, as laid out by the Selectmen as shown by their report and duly filed with the Town Clerk, said way to be known as Oak Road. That the sum of money of \$39,000 (THIRTY NINE THOUSAND DOLLARS) be raised and appropriated for the original construction of said way. That betterments to the extent of seventy-five percent (75%) of said construction be assessed against the owners of abutting estates at a rate equal to two percent above the rate of interest charged to the Town for the betterment project to which assessments relate. And that the Board of Selectmen be authorized to accept the deed for Oak Road, pursuant to Mass General laws, Chapter 40, Section 14.

*Selectmen Recommend Approval  
Finance Committee Recommends Approval  
Planning Board Recommends Approval*

**ARTICLE 5. Camp Road Betterment / Highway Department**

It was VOTED UNANIMOUSLY that the town accept, as for a Town way, Camp Road, as laid out by the Selectmen as shown by their report and duly filed with the Town Clerk, said way to be known as Camp Road. That the sum of money of \$25,000 (TWENTY FIVE THOUSAND DOLLARS) be raised and appropriated for the original construction of said way. That betterments to the extent of seventy-five percent (75%) of said construction be assessed against the owners of abutting estates at a rate equal to two percent above the rate of interest charged to the Town for the betterment project to which assessments relate. And that the Board of Selectmen be authorized to accept the deed for Camp Road, pursuant to Mass General laws, Chapter 40, Section 14.

*Selectmen Recommend Approval  
Finance Committee Recommends Approval  
Planning Board Recommends Approval*

**ARTICLE 6. Stabilization Fund FY2003 / Finance Committee**

It was VOTED that the Town appropriate from Free Cash the sum of \$2,000,000.00 (TWO MILLION DOLLARS), to be deposited in the Stabilization Fund, established under Massachusetts General Laws, Chapter 40, Section 5B.

*Selectmen Recommend Approval  
Finance Committee Recommends Approval*

**ARTICLE 7. Reduction of Amount to be Raised by Taxes in FY2003 / Finance Committee**

It was VOTED UNANIMOUSLY That the Town direct the Assessors to take from Free Cash the sum of 1,090,157.90 (ONE MILLION NINETY THOUSAND ONE HUNDRED FIFTY-SEVEN DOLLARS AND NINETY CENTS) to reduce the net amount to be raised for Fiscal Year 2003.

*Selectmen Recommend Approval  
Finance Committee Recommends Approval*

**ARTICLE 8: Resolution Concerning Attacks of September 11<sup>th</sup>**

It was VOTED UNANIMOUSLY that the Town adopt the following resolution:

“To declare that the people of the Town of Westford condemn the use of violence and terror as a means to achieve political or social ends and declare our support for our efforts to end both domestic and world terrorism. That we the people of Westford declare our full support for the United States Government, the Government of the Commonwealth of Massachusetts and for each and every soldier, sailor, marine, airman, police officer, firefighter and all public safety and law enforcement personnel, in their efforts to defend the American people and bring those responsible for the devastating tragedies of September 11, 2001 to Justice and that a copy of this resolution be sent to the President of the United States, Senators Kennedy and Kerry and Congressman Meehan.”

*Selectmen Recommend Approval*

**ARTICLE 9. Community Preservation Funds Appropriation / Community Preservation Committee**

A MOTION was duly made and seconded, and it was voted to AMEND the motion by removing the line items pertaining to 3 Tennis courts at the Stony Brook Middle School (\$84,000) and the Playground structure at American Legion Park, Graniteville (\$30,000) so that the final motion that passed read:.

That the Town vote pursuant to MGL Chapter 44B, in accordance with the recommendation of the Westford Community Preservation Committee, to appropriate \$1,510,851.75 (ONE MILLION, FIVE HUNDRED AND TEN THOUSAND, EIGHT HUNDRED AND FIFTY ONE DOLLARS AND 75/100) as follows:

\$250,000	Movement of fill and regrading of Housing Authority Parcel at Stoney Brook in order to build 15 housing units (Affordable Housing Committee)
\$100,000	Preserve and renovate the exterior of Roudenbush Community Center, 65 Main Street
\$75,000	Consulting and predevelopment site evaluation and testing for expansion of Senior Housing at Tadmuck Road from 48 units to 103 units.
\$2,500	Community Preservation Committee Operating Expenses
\$63,097	Historic Resources Reserves Account
\$1,020,254.75	Open Space Reserve Account

The Community Preservation funds are allocated for the specific projects described in this November 12, 2002 Special Town Meeting Warrant article. If the funds allocated are in excess of actual project costs or insufficient to complete the projects(s) as described, the money will revert back to the General Community Preservation Account, after adjusting for the mandated 10% allocations for Open Space, Historical Resources and Community Housing.

*Selectmen Recommend Approval  
Finance Committee Recommends Approval*

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Town Meeting then passed the following RESOLUTION:

Town Meeting hereby requests that in allocating future CPA funds, the CPA Committee shall give the highest priority to acquiring land for open space.

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**ARTICLE 10. Sale of Town Owned Land for Private Septic System and Granting of Slope Easement Graniteville Road / Board of Selectmen**

It was VOTED UNANIMOUSLY that the Town will vote to authorize the Board of Selectmen pursuant to MGL C. 40 S3, to sell 755 square feet of Town owned property, more or less bounded and described as follows;

Beginning at the intersection of the westerly line Graniteville Road and the southerly line of Bridge Street thence running:  
NORTHWESTERLY N24-54"-57" W forty eight feet (48.00)  
SOUTHWESTERLY S 81-19'-42" W thirty feet (340.00);  
SOUTHWESTERLY S 36-13'-06" W two feet (2.00') to a stone bound;  
SOUTHEASTERLY S 53-46'-54' E sixty-three and twenty-nine one hundreds feet (63.29') to the point of beginning. Being shown as Parcel A on a plan entitled: "Plan of Land 82 Graniteville Road Westford, Massachusetts October 7, 2002" to be recorded herewith.

And to further allow the Selectmen to grant a permanent grading easement located in the vicinity of 82 Graniteville Road, being bound and described as follows:

Beginning at the intersection of the westerly line Graniteville Road and the southerly line of Bridge Street thence running:  
NORTHWESTERLY N08-32"-10" W forty and 12 one hundreds feet (4.12)  
SOUTHWESTERLY S 43-09-20" W nineteen feet (19.00');  
NORTHWESTERLY N 88-44-59" W twenty eight and seven tenths feet (28.70)  
SOUTHWESTERLY S 08-57'-23" W fifteen feet (15.00');  
NORTHEASTERLY N 81-19'-42' thirty feet (30.00')  
SOUTHEASTERLY S 24-54'-57 E forty eight feet (48.00) to the point of beginning. Being shown as proposed grading easement adjacent to Parcel A as shown on a plan entitled: "Plan of Land 82 Graniteville Road Westford, Massachusetts October 7, 2002" to be recorded herewith.

*Selectmen Recommend Approval  
Finance Committee Recommends Approval*

**ARTICLE 11. Acceptance of MGL Chapter 59, Section 5: Change of Residency Requirement for Disabled Veterans / Veterans Service Officer**

It was VOTED UNANIMOUSLY That the Town accept the Provisions of MGL Chapter 59, Section 5 Clauses 22, 22A, 22B, 22C, 22E changing the residency requirement from five (5) years to one (1) year for disabled veterans.

*Selectmen Recommend Approval  
Finance Committee Recommends Approval*

**ARTICLE 12. Acceptance of MGL Chapter 138, Section 33B: Sale of Alcoholic Beverages on Sunday and Legal Holidays / Board of Selectmen**

It was VOTED that the Town accepts the provisions of MGL Chapter 138 Section 33B relative to the sale of Alcoholic Beverages at 11:00 AM on Sundays and Holidays in Food Service Establishments.

*Selectmen Recommend Approval*

**ARTICLE 13. Property Tax Deferment: Special Act: Application of Chapter 59, Section 5 41A**

A MOTION was duly made and seconded, and it was voted to AMEND the motion by adding the following line after the sentence that ends with “. . . shall the rate exceed 8%:” “A property must be owner-occupied to qualify for this deferment.” So that the final motion that passed read:

That the Town will vote to petition the General Court of the Commonwealth of Massachusetts to enact special legislation to provide that the Assessors of the Town of Westford when applying the provisions of Massachusetts General Law, Chapter 59, Section 5, Clause 41A shall apply the following criteria with regard to the deferment of property tax payments:

That 60 years be the minimum age instead of 65 years at which a property owner may be considered a senior for the purpose of deferred payment of property taxes;

That \$60, 000, not \$40,000 is the maximum income which singles or couples may have to be eligible to defer their payment of property rates;

That the annual interest rate to be paid on the deferred taxes be 4% in the first year and set annually thereafter by the Board of Selectmen, provided that in no event shall the rate exceed 8%.

A property must be owner-occupied to qualify for this deferment.

That there be no restrictions on the number of years a property owner who wishes to defer payment of property taxes must:

- a) be domiciled in the Commonwealth
- b) own and occupy as his domicile such real property;

And said legislation to take effect without further submission to a Town Meeting.

*Selectmen Recommend Approval*  
*Finance Committee Recommends Approval*

The following MOTION TO AMEND was made and duly seconded:

To delete the clause relating to age.

The motion FAILED for lack of majority.

**ARTICLE 14: Senior Residents Property Tax Relief Program / Senior Tax Relief Committee**

It was VOTED to DISMISS Article 14 at this time in order to allow for further study.

**ARTICLE 15: Street Acceptance/Planning Board**

It was VOTED UNANIMOUSLY to DISMISS this Article relative to accepting April Ln, May Ln, Lanes End, Anne Teresa Way, and Ashley Place, because they do not meet Planning Board specifications.

**ARTICLE 16. General Bylaw Amendment / Bylaw Review Committee**

A MOTION was duly made and seconded, and it was voted to AMEND the motion by underlining the footnote text in Chapter 22 and adding section references to Chapter 51 so that the final motion that passed UNANIMOUSLY read:.

That the Town amend the General Bylaws of the Town of Westford by adopting the following changes to the various sections as shown below, with additions appearing as underlined text and deletions indicated by the placement of a line through the affected word (s)

**CHAPTER 22: FINANCE COMMITTEE**

[Adopted 2-17-47 ATM Art. 35, as amended. Replaced 5-7-88 ATM Art. 14, as amended.  
Replaced 12-7-99 AdjSTM Art. 14. Amendments noted where applicable.]

**§ 22.6. Areas of responsibility.**

A. Development of annual operating and capital improvement budgets.

1. Immediately upon the close of the fiscal year, the Finance Director shall compile statements in tabulated form for 1) the amounts appropriated and amounts expended from each appropriation during the preceding fiscal year and 2) an analysis of the adequacy of the appropriations and revenue estimates for the current fiscal year. Copies of the same, together with any other information he/she deems advisable, shall be immediately transmitted to the Board of Selectmen, the Town Manager, and the Finance Committee. The Town Manager, in consultation with the Finance Director and Finance Committee, shall then set completion dates for all phases of the succeeding fiscal year's budget development process.
2. Upon analysis and consideration of the information provided and gathered, the Town Manager shall issue a budget development message to all departments and boards by the agreed upon date. The message shall outline the current and projected financial condition of the Town and budgetary goals for the succeeding fiscal year.
3. The Town officers, boards, committees, and department heads authorized by law to expend funds, shall submit detailed estimates of the amounts necessary for the proper maintenance of their departments in the upcoming fiscal year to the Town Manager and Finance Committee no later than the agreed upon date. Furthermore, such officers, boards, committees, and department heads authorized by law to expend funds, shall submit a capital budget for the upcoming fiscal year to the Town Manager and the Finance Committee no later than the agreed upon date.

4. All budgets thus submitted shall be consistent with the policy direction contained in the budget development message and shall be accompanied by sufficient explanation and supporting data to clearly support the amounts described.
5. The Town Manager and Finance Committee shall either separately or jointly review the budgets submitted to them, and each shall hold such hearings and meetings as deemed necessary. The Town Manager shall, no later than the agreed upon date and after making additions and deletions as he/she sees fit, adopt a final proposed operating and capital budget for presentation to the Annual Town Meeting for the succeeding fiscal year.
6. The Finance Committee shall, after due consideration, recommend the amounts which, in its judgment, should be appropriated for the ensuing year, and shall accompany the same with such explanations and suggestions thereto as it may deem advisable for the proper information of the voters. The Finance Committee shall print these recommendations and information together with the Town Manager's proposed budget and the warrant\*, and shall distribute this document to all residents of the Town at least ~~24~~ 10 days prior to the Annual Town Meeting.

\* The word warrant in this instance may mean a summary of all warrant articles and not necessarily the full text of the warrant.

## CHAPTER 51: TOWN MEETINGS

[Adopted 2-11-24 ATM, as amended. Replaced 5-14-02. Amendments noted where applicable.]

### Section 51.1

Notice of Annual Town Meetings. [Amended 2-17-47 ATM Art. 35; 3-9-57 ATM Art. 32; 11-1-61 STM Art. 10. Replaced 11-15-00 AdjSTM Art. 24]

C:

1. The Board of Selectmen shall give notice of every Annual Town Meeting by posting an attested copy of the warrant at the Town Hall, the J.V. Fletcher Library, and each post office in Westford at least 14 days before the meeting.
2. The Finance Committee shall print and distribute the warrant\* with the Finance Committee's recommendations and the Town Manager's proposed budget to all residents of the Town at least 24 10 days ~~prior to~~ before the Annual Town meeting.

### Section 51.2

Notice of Special Town Meetings. [Adopted 11-15-00 AdjSTM Art. 24]

C:

~~At least 14 days before every Special Town Meeting,~~ T the Board of Selectmen shall give notice of every Special Town Meeting by:

1. posting an attested copy of the warrant at the Town Hall, the J.V. Fletcher Library, and each post office in Westford at least 14 days before the meeting.
2. ~~publishing the warrant and the voter registration deadline in a newspaper of general circulation in the Town.~~

2. printing and distributing the warrant\* and the voter registration deadline to all residents of the Town at least 10 days before the meeting.

\* In these instances, the use of the word *warrant* may mean a summary of all warrant articles and not necessarily the full text of the warrant.

## CHAPTER 61: HAZARDOUS MATERIALS STORAGE

[Adopted 6-28-82 AdjATM Art. 16, as amended. Replaced 5-13-97 AdjATM Art. 33.  
Amendments noted where applicable.]

### § 61.1. Authority.

This bylaw is adopted by the Town of Westford under its home rule ~~powers~~ power; its police powers to protect the public health, safety, and ~~welfare~~ welfare; and its authorization under Massachusetts General Laws chapter 40, section 5.21(1).

### § 61.2. Purpose.

The purpose of this bylaw is to protect, preserve, and maintain the existing and potential groundwater supply, groundwater recharge areas, and surface water within the Town of Westford from contamination, and to protect public health and safety. Nothing in this bylaw shall be construed as inconsistent with, or in interference with, the authority vested upon the Fire Chief under Massachusetts General Laws chapter 148, or any state rules and regulations adopted pursuant thereto.

### § 61.3. Definitions.

The following definitions shall apply in the interpretation and implementation of this bylaw:

**Abandoned** means being out of service for a period in excess of 180 days, in the case of a tank or storage facility for which a license is required under the provisions of Massachusetts General Laws chapter 148, or for a period of 12 months, in the case of any other tank or storage facility.

**Above-ground tank or storage facility** shall mean any tank or storage facility, whether inside or outside a building, which is not underground.

**Discharge** means the disposal, injection, dumping, spilling, leaking, incineration, or placing of any hazardous material or any constituent thereof into or on any land or water so that such material may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

**Hazardous materials** means any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water. Hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances



defined as toxic or hazardous under Massachusetts General Laws chapters 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners.

**Hazardous wastes** shall mean any waste as set forth in Massachusetts General Laws chapter 21C.

**Leak** shall mean any uncontrolled movement of any hazardous material out of a tank or storage facility or its components, or any uncontrolled movement of water into a tank or storage facility or its components, measured as set forth in 527 CMR 9.02.

**Out of service** shall mean not in use, with no regular filling or drawing; or not being maintained, without adherence to the requirements of this bylaw; or uncontrolled, without being attended or secured; or any combination thereof.

**Priority pollutant** shall mean a hazardous material listed in 40 CFR Pt. 423, App. A, a copy of which is available from the Board of Health.

Tank or storage facility shall mean any structure used, or designed to be used, for the storage of hazardous materials of any kind. The term shall include 55 gallon drums or containers of hazardous materials. Tank or storage facility shall not include the storage of the following:

- A. fuel oil for heating purposes in a freestanding container of 330 gallons or less within a building, regardless of the number of such-sized tanks;
- B. liquefied petroleum gas containers of 1,000 gallons or less;
- C. pesticides, fertilizers, and hazardous materials in the original package in quantities normally associated with household use, including retail displays at retail establishments, and;
- D. working or single-use containers storing volumes not exceeding 5 gallons of hazardous materials intended for use within 24 hours.

~~The term shall include 55 gallon drums or containers of hazardous materials, but shall not include pesticides, fertilizers and the like in the original package with quantities normally associated with household use.~~

**Town** shall mean the Town of Westford.

**Underground tank or storage facility** shall mean any tank or storage facility including piping in connection therewith, which meets at least one of the following criteria:

- A. The top of which is located below ground.
- B. Any portion of which is 4 feet or more below ground or as defined by Massachusetts General Laws chapter 148 or 527 CMR 9.00.

#### § 61.4. Registration.

- A. All tanks, storage facilities, or retail establishments for the storage of hazardous materials with a capacity to hold more than 50 gallons liquid volume, 25 pounds dry weight, or 2 pounds of priority pollutants shall be registered with the Board of Health and the Fire Department, if applicable. Such registration shall contain the following information:
  - 1. Name, address, and telephone numbers (day and night) of the owner or operator.

2. Capacity and contents of the tank or storage facility, with specific description of the type of hazardous material being stored.
  3. The date of installation of the tank or storage facility, if available.
  4. The type of tank or storage facility construction, and indication of any leak detection methods in place.
  5. The depth below ground level of the lowest and highest points of the tank or storage facility, ~~or if~~ if the tank or storage facility is underground.
  6. Description of any previous leaks, including approximate dates, causes, estimated amounts, and repairs taken.
  7. If the tank or storage facility is underground, additional material as required by section 61.6, herein.
- B. Owners or operators of tanks or storage facilities which meet the registration requirements of section 61.4.A shall register such tank or storage facility initially within 90 days of the enactment of this bylaw, and annually thereafter within 30 days of January 1, provided, however, that such owners or operators with currently registered tanks or storage facilities under the provisions of this Chapter 61 in effect prior to the adoption of this bylaw shall register such tanks or storage facilities first within 30 days of January 1, 1998. Owners or operators of tanks or storage facilities which later meet the registration requirements shall register such tanks or storage facilities initially within 30 days of meeting such requirements, and thereafter annually within 30 days of January 1.
- C. In addition to registration, owners or operators of tanks or storage facilities registered in accordance with sections 61.4.A and 61.4.B shall maintain on the premises an inventory, reconciled on a monthly basis, of purchase, sale, use, disposal, or discharge of hazardous materials. The purpose of the inventory is to detect any product loss and to provide ongoing record of all hazardous materials within the Town over the registration period. If unaccounted for product loss is discovered in the monthly reconciliation, the owner or operator shall comply with the provisions of section 61.7 herein. Accurate daily inventory records required pursuant to Massachusetts General Laws chapter 148 or any state regulation shall suffice for the purpose of this section, and may be submitted, under section 61.4.D below, in accordance with this bylaw.
- D. Upon the request of the Board of Health, owners or operators subject to this chapter shall produce, within 24 hours, their latest reconciled inventory.

**§ 61.5. Above-ground tanks or storage facilities.**

- A. Surfaces underlying above-ground tanks or storage facilities containing hazardous materials, or areas in which hazardous materials are used, transferred, or delivered to such tanks or storage facilities, shall be impermeable to the materials being stored, and shall be enclosed by a permanent dike ~~if~~ of impermeable construction. The dike system shall be sufficient to contain the capacity of the largest tank or storage facility plus 10% of the aggregate capacity of all other tanks or storage facilities within the enclosure. Double-walled tanks with continual interstitial monitoring may meet the diking requirements of this regulation. Nothing

in this section shall be construed to replace the application of the dike requirements to tanks or storage facilities licensed under Massachusetts General Laws chapter 148.

- B. Wastes containing hazardous materials shall be held on the premises in product-tight containers for removal by a licensed carrier for disposal in accordance with Massachusetts General Laws chapter 21C.
- C. Above-ground tanks or storage facilities shall be prominently labeled to provide notice as to the types of hazardous materials stored within.

**§ 61.6. Underground tanks or storage facilities.**

- A. In addition to the information set forth in section 61.4, all owners or operators of underground tanks or storage facilities containing hazardous materials, in any quantity, shall provide to the Board of Health and the Fire Department, if applicable, the following additional information:
  - 1. The location of each tank or storage facility on the premises, complete with sketch map
  - 2. The age of each tank or storage facility, evidence of the date of installation, including any permits, if applicable.Such information shall be filed in the same manner, and at the same times, as that information required by section 61.4, above.
- B. All materials used in the construction of any underground tank or storage facility shall be suitable for the purpose, and such tank or storage facility shall be designed or constructed to withstand any normal stress to which it may be subjected. Where applicable, such tank or storage facility shall be constructed in accordance with Massachusetts General Laws chapter 148 and 527 CMR 9.00 et seq., as amended.
- C. Owners or operators of underground tanks or storage facilities for which evidence of an installation date is not available shall, at the order of the Board of Health, have such underground tanks or storage facilities tested, in accordance with section 61.6.D, herein. The tank or storage facility shall be emptied, to the extent feasible, prior to such testing. If the Board of Health determines that the tank or storage facility is not product-tight, it shall be repaired or disposed of under the direction of that authority in accordance with 527 CMR 9.00.
- D. All steel underground tanks or storage facilities with a capacity greater than 550 gallons shall be subject to mandatory testing 15 years after the date of installation, and annually thereafter, or if evidence of date of installation is not available, and the Board of Health so determines, in accordance with the standards of National Fire Protection Pamphlet No. 329, Chapter 4-3.10, or other test of superior or equivalent accuracy. The tank or storage facility shall be emptied, to the extent feasible, prior to such testing. Owners or operators may demonstrate to the Board of Health, pursuant to section 61.9, herein that such tests are not appropriate when, after a showing to the Board of Health of monitoring devices, double-walled construction, or equivalent safety precautions, the Board of Health determines that the underground tank or storage facility does not represent a threat to ground or surface water quality. Such variance shall be required yearly. Nothing in this subsection shall be construed to replace or supersede

the testing requirements of Massachusetts General Laws chapter 148 or any state regulation promulgated thereunder.

- E. The Board of Health recommends that all steel underground tanks or storage facilities with a capacity of less than 550 gallons be removed immediately after the termination of the manufacturer's warranty for the facility, or after 15 years of the date of installation of the facility, whichever last occurs.
- F. Where the Board of Health has probable cause to believe that the underground tank or storage facility has caused a leak or a discharge to occur, said Board may order the testing of such tank or storage facility within 3 workdays.
- G. If the testing required by this section indicates that a leak or discharge has occurred, the owner or operator shall proceed in accordance with section 61.7, herein.
- H. Underground tanks or storage facilities shall have appurtenances prominently labeled to provide notice as to the types of hazardous materials stored within.

**§ 61.7. Defects.**

- A. All leaking tanks or storage facilities must be reported to the Board of Health or the Fire Chief and emptied by the owner or operator within 12 hours, or as prescribed by state regulation, after detection of any leak.
- B. The Board of Health shall determine whether any tank or storage facility or its components that have been identified as the source of a leak shall be repaired, or removed and replaced, and shall notify the owner of its decision. In making its determination, the Board of Health shall be governed by the provisions of Massachusetts General Laws chapter 148 and 527 CMR 9.00.
- C. If the Board of Health determines that a tank or storage facility or its components shall be removed, any removal shall be completed within 90 days after that authority has notified the owner, in writing, of its decision.

**§ 61.8. Abandonment and other concerns.**

- A. The holder of any license issued pursuant to Massachusetts General Laws chapter 148 for underground storage of any liquid hazardous material shall notify the Board of Health and the Fire Chief whenever the provisions of said license ~~ceased~~ cease to be exercised. Upon such notification, the Fire Chief shall prescribe appropriate action under Massachusetts General Laws chapter 148 and applicable state regulations.
- B. All other tanks or storage facilities, not regulated by Massachusetts General Laws chapter 148, shall be regulated as follows:
  - 1. The owner of tank or storage facility with an intent to abandon such tank or storage facility shall promptly notify the Board of Health and the Fire Chief of the decision to abandon. Except as provided in section 61.8.B.3, no tank or storage facility may be abandoned in place.

2. Abandoned tanks shall be emptied of all hazardous materials under the direction of the Board of Health. The product and tank shall be disposed of, at the owner's expense, as directed by that authority.
3. If the owner of a tank or storage facility, which is located under a building and which cannot be removed from the ground without first removing the building, decides, in conjunction with the Fire Chief under the provision of 527 CMR 9.00, to abandon said tank or storage facility, the owner shall promptly notify the Board of Health of this decision, and, subject to the directions of the Board of Health, have all the hazardous materials removed from the tank or storage facility and have same filled with a concrete slurry mix as set forth in 527 CMR 9.00, or as prescribed by the authority having jurisdiction.
4. If the Board of Health determines that a tank or storage facility or its components shall be removed, any removal shall be completed within 90 days after that authority has notified the owner, in writing, of its decision.

#### **§ 61.9. Variances.**

The Board of Health may vary the application of any provision of this bylaw, unless otherwise precluded by law, when in its opinion, the applicant has demonstrated that an equivalent degree of environmental protection required under this bylaw will still be achieved. The applicant at his/her own expense must notify all abutters by certified mail at least ten days before the hearing at which such variance request shall be considered. The notification shall state the variance sought and the reasons therefor. The Board of Health shall also notify, within 14 days of receipt of a variance request, the Fire Chief, Conservation Commission, and Building Inspector, of any variance requested under this Section, for their response in writing. The Board of Health shall hold a hearing on such variance request within 45 days of its receipt. Any variance granted by the Board of Health shall be in writing, as shall be any denial of a variance request, and shall contain a brief statement of the reasons for the granting or ~~denial of~~ denying the variance.

#### **§ 61.10. Fees.**

- A. The Board of Health may charge reasonable fees and shall publish a fee schedule.
- B. The Board of Health may charge for additional expenses incurred in the enforcement of this chapter 61.
- C. Any person registering a tank or storage facility pursuant to this chapter 61 shall pay a fee to the Town's Board of Health. Such fee shall be due on the same date as the initial or annual registration. Failure to pay the fee shall constitute a violation subject to the penalties contained herein.

#### **§ 61.11. Enforcement.**

- A. All discharges of hazardous material within the Town are prohibited.
- B. Any person having knowledge of any discharge of hazardous materials shall immediately report the discharge to the Board of Health and the Fire Chief.

- C. The Board of Health or its agents may enter upon privately owned property consistent with the authority conferred upon the Board by Massachusetts General Laws for the purpose of performing their duties under this bylaw.
- D. Any person who violates any provision of this bylaw shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one violation exists, each ~~condition~~-violation shall constitute a separate offense. Upon the request of the Board of Health or the Fire Chief, the Board of Selectmen shall take such legal action as is necessary to enforce this bylaw.

**§ 61.12. Severability.**

If any provision of this bylaw is held to be unconstitutional, or in violation of state law, it shall not affect any other provision or the administration thereof.

*Selectmen Recommend Approval*  
*Finance Committee Recommends Approval*

The following MOTION TO AMEND was made and duly seconded:

To remove the footnotes pertaining to summary warrants in both chapters 22 and 51.

The motion FAILED for lack of majority.

The following MOTION TO AMEND was made and duly seconded:

To insert the text “and posted to the Town website” in sections 51.1.C.1 and 51.2.C.1 following the words “and each post office.”

The motion FAILED for lack of majority.

**ARTICLE 17. Amendment to Wetland Bylaw / Nashoba Technical High School District**

It was VOTED that the Town vote to amend Westford Bylaws Section 171-2 by adding to the end of the existing section the following words:

“Provided further that the foregoing shall not be construed to prohibit the installation of sewer mains, collector lines, pump stations, tanks, manholes or other components of any existing waste water treatment facility approved by the Massachusetts Department of Environmental Protection Bureau of Resource Protection pursuant to 314 CMR 5.00, whether or not said facility is located in another town when:

- a. said installation is to occur solely in relation to a parcel or contiguous parcels in Westford that have been continuously used for school purposes for no less than five years prior to said installation; and
- b. the existing waste water treatment facility has adequate existing capacity as determined by the Bureau of Resource Protection to service the needs of the school to which it is to be connected; and

- c. it is necessary to cross through a Buffer Zone with an approved connection whose sole purpose is to connect the school structure(s) to the existing waste water treatment facility and where said installation in the Buffer Zone is to be located in a previously disturbed area within an existing Town maintained Right of Way or State Highway.

*Selectmen Recommend Approval*

*Finance Committee Does Not Recommend Approval*

At 11:39 pm it was voted to adjourn the Special Town Meeting to Wednesday, November 13, 2002 at 7:00pm.

**ADJOURNED SPECIAL TOWN MEETING**

Wednesday, November 13, 2002

Election officers, using voting lists, acted as tellers at the doors. A total of 218 voters were in attendance.

Ellen Harde, Town Moderator, declared that a quorum was present and called the meeting to order at 7:45 pm.

**ARTICLE 18. Zoning Bylaw Amendment / Planning Board**

It was VOTED UNANIMOUSLY that the Town will vote to amend the Zoning Bylaw by making the following changes thereto:

**ITEM 1.** Delete existing May 11, 2002 Zoning Bylaw Section 1.0, Introduction, in its entirety and substitute Section 1.0, Introduction, in the document entitled, "Town of Westford, Massachusetts, Zoning Bylaw, Approved by the Attorney General's Office on September 6, 2002, Updated on September 20, 2002", on file in the office of the Town Clerk, which reflect changes to the August 27, 2001 version of the Zoning Bylaw which were voted on November 13<sup>th</sup> 2001 and May 11<sup>th</sup>, 2002 as approved by the Attorney General's office.

**ITEM 2.** Delete existing May 11, 2002 Zoning Bylaw Section 2.0, Districts, in its entirety and substitute Section 2.0, Districts, in the document entitled, "Town of Westford, Massachusetts, Zoning Bylaw, Approved by the Attorney General's Office on September 6, 2002, Updated on September 20, 2002", on file in the office of the Town Clerk, which reflect changes to the August 2001 version of the Zoning Bylaw which were voted on November 13<sup>th</sup> 2001 and May 11<sup>th</sup>, 2002 as approved by the Attorney General's office.

**ITEM 3.** Delete existing May 11, 2002 Zoning Bylaw Section 3.0, Use Regulations, in its entirety including Appendix A (Table of Principal Use Regulations) and Appendix B (Table of Accessory Use Regulations) and substitute the Section 3.0, Use Regulations, including Appendix A (Table of Principal Use Regulations) and Appendix B (Table of Accessory Use Regulations) in the document entitled, "Town of Westford, Massachusetts, Zoning Bylaw, Approved by the Attorney General's Office on September 6, 2002, Updated on September 20, 2002", on file in the office of the Town Clerk, which reflect changes to the August 27, 2001 version of the Zoning Bylaw which were voted on November 13<sup>th</sup> 2001 and May 11<sup>th</sup>, 2002 as approved by the Attorney General's office.

**ITEM 4.** Delete existing May 11, 2002 Zoning Bylaw Section 4.0, Dimensional Regulations, in its entirety including Appendix C, Table of Dimensional and Density Regulations, and substitute Section 4.0, Dimensional Regulations, including Appendix C (Table of Dimensional and Density Regulations) in the document entitled, "Town of Westford, Massachusetts, Zoning Bylaw, Approved by the Attorney General's Office on September 6, 2002, Updated on September 20, 2002", on file in the office of the Town Clerk, which reflect changes to the August 27, 2001 version of the Zoning Bylaw which were voted on November 13<sup>th</sup> 2001 and May 11<sup>th</sup>, 2002 as approved by the Attorney General's office, except as follows:



- A. Delete, per the Attorney General's letter dated May 10, 2002, the second and third sentences of section 4.3.6 in their entirety.

**ITEM 5.** Delete existing May 11, 2002 Zoning Bylaw Section 5.0, General Regulations, in its entirety including Appendix D, Table of Parking Requirements, and substitute Section 5.0, General Regulations, including Appendix D (Table of Parking Requirements) in the document entitled, "Town of Westford, Massachusetts, Zoning Bylaw, Approved by the Attorney General's Office on September 6, 2002, Updated on September 20, 2002", on file in the office of the Town Clerk which reflect changes to the August 27, 2001 version of the Zoning Bylaw which were voted on November 13<sup>th</sup> 2001 and May 11<sup>th</sup>, 2002 as approved by the Attorney General's office, except as follows:

- A. Delete, per the Attorney General's letter dated May 10, 2002, the reference in Section 5.1.5.3 to "the most recent rules and regulations of the Architectural Barriers Board, specifically section 7, thereof," and substitute therefor the words, "the most recent rules and regulations of the Architectural Access Board, 521 CMR 23.00."
- B. Delete, per the Attorney General's letter dated May 10, 2002, the reference in Section 5.3.6 (7) to "'the Building Code of the town,'" and substitute therefor the words "this Zoning Bylaw and the State Building Code."
- C. Delete the reference "Subsection G (2)(a)" in Section 5.3.9.5 and substitute the reference "Subsection 5.3.9.1."
- D. Delete the reference "Subsection G(2)(h)" in Section 5.3.9.7 and substitute the reference "Section 5.3.9.8."
- E. Add the reference "5.3.9.5" after the word "Subsection" in Section 5.3.9.10.
- F. Delete, per the Attorney General's letter dated May 10, 2002, in Appendix D, Table of Parking Requirements, Section C.2 the words "As may be determined by the Building Inspector" in the column headed "Required Parking Spaces, and substitute therefor the words "1 space per 180 square feet of gross floor area."
- G. Delete the reference "subsection 5" in Section 5.3.9.9 and substitute the reference with "Subsection 5.3.9.5."
- H. Delete the reference "subsection 7" in Section 5.3.9.8 and substitute the reference with "Subsection 5.3.9.7."

**ITEM 6.** Delete existing May 11, 2002 Zoning Bylaw Section 6.0, Special Regulations, in its entirety including Appendix E and substitute Section 6.0, Special Regulations including Appendix E (Growth Management Provisions) in the document entitled, "Town of Westford, Massachusetts, Zoning Bylaw, Approved by the Attorney General's Office on September 6, 2002, Updated on September 20, 2002", on file in the office of the Town Clerk, which reflect changes to the August 27, 2001 version of the Zoning Bylaw which were voted on November 13<sup>th</sup> 2001 and May 11<sup>th</sup>, 2002 as approved by the Attorney General's office, except as follows:

- A. Delete, per the Attorney General's letter dated May 10, 2002, the words "within a

reasonable period of time” from Section 6.2.7.(9) and substitute therefor the words “in accordance with G.L. c. 40A, s. 9.”

**ITEM 7.** Delete existing May 11, 2002 Zoning Bylaw Section 7.0, Special Residential Regulations, in its entirety and substitute Section 7.0, Special Residential Regulations in the document entitled, “Town of Westford, Massachusetts, Zoning Bylaw, Approved by the Attorney General’s Office on September 6, 2002, Updated on September 20, 2002”, on file in the office of the Town Clerk, which reflect changes to the August 2001 version of the Zoning Bylaw which were voted on November 13<sup>th</sup> 2001 and May 11<sup>th</sup>, 2002 as approved by the Attorney General’s office.

**ITEM 8.** Delete existing May 11, 2002 Zoning Bylaw Section 8.0, Special Districts, in its entirety and substitute Section 8.0, Special Districts in the document entitled, “Town of Westford, Massachusetts, Zoning Bylaw, Approved by the Attorney General’s Office on September 6, 2002, Updated on September 20, 2002”, on file in the office of the Town Clerk, which reflect changes to the August 2001 version of the Zoning Bylaw which were voted on November 13<sup>th</sup> 2001 and May 11<sup>th</sup>, 2002 as approved by the Attorney General’s office, except as follows:

- A. Delete the reference to “Article VII” in section 8.1.8.1 and substitute therefor the reference “Section 8.1.”
- A. Delete the reference to “Article VII” in section 8.1.8.2 and substitute therefor the reference “Section 8.1.”
- B. Delete the reference to “Article VII” in section 8.1.8.3 and substitute therefor the reference “Section 8.1.”
- C. Delete the reference to “June 15” in Section 8.2.2 and substitute therefor the reference June 15, 1983.”
- D. Delete, per the letter of the Attorney General dated May 10, 2002, the words “(currently Section 744)” from Section 8.2.3.
- E. Delete, per the letter of the Attorney General dated May 10, 2002, the words “(currently Section 744)” from Section 8.2.6.2.a.

**ITEM 9.** Delete existing May 11, 2002 Zoning Bylaw Section 9.0, Administration and Procedures, in its entirety and substitute Section 9.0, Administration and Procedures in the document entitled, “Town of Westford, Massachusetts, Zoning Bylaw, Approved by the Attorney General’s Office on September 6, 2002, Updated on September 20, 2002”, on file in the office of the Town Clerk, which reflect changes to the August 2001 version of the Zoning Bylaw which were voted on November 13<sup>th</sup> 2001 and May 11<sup>th</sup>, 2002 as approved by the Attorney General’s office.

**ITEM 10.** Delete existing May 11, 2002 Zoning Bylaw Section 10.0, Definitions, in its entirety and substitute Section 10.0, Definitions in the document entitled, “Town of Westford, Massachusetts, Zoning Bylaw, Approved by the Attorney General’s Office on September 6, 2002, Updated on September 20, 2002”, on file in the office of the Town Clerk,

which reflect changes to the August 2001 version of the Zoning Bylaw which were voted on November 13<sup>th</sup> 2001 and May 11<sup>th</sup>, 2002 as approved by the Attorney General's office.

**ITEM 11.** Delete existing May 11, 2002 Zoning Bylaw Table of Contents, in its entirety and substitute Table of Contents in the document entitled, "Town of Westford, Massachusetts, Zoning Bylaw, Approved by the Attorney General's Office on September 6, 2002, Updated on September 20, 2002", on file in the office of the Town Clerk, which reflect changes to the August 27, 2001 version of the Zoning Bylaw which were voted on November 13<sup>th</sup> 2001 and May 11<sup>th</sup>, 2002 as approved by the Attorney General's office.

*Planning Board Recommend Approval  
Selectmen Recommend Approval*

### **ARTICLE 19: Zoning Bylaw Amendment/By Petition**

A MOTION was duly made and seconded and it was voted to AMEND the Westford Zoning Bylaw as follows:

That the Town amend its zoning bylaw and in connection therewith amend its Zoning Map adopted May 6, 1978 and on file in the office of Town Clerk, by extending the "Commercial Highway" zone beginning at a point on Carlisle Road, four hundred seventy five (475') feet from the center line of Route 110 and running along Carlisle Road to a point one (1') foot West of Lot 30, turning thence northeasterly and running at said one (1') foot offset along the bound between Lot 29 and Lot 30, two hundred twenty four (224') feet; then turning northwesterly and running a distance of approximately one hundred sixty (160') feet to the rear corner of the existing Commercial Highway Zone..

*Planning Board has no Recommendation  
Selectmen do not Recommend Approval*

The MOTION FAILED for lack of a two-thirds vote, which was counted by hand:

107 Yes to 118 No.

A MOTION to RECONSIDER Article 17 was made but later withdrawn due to lack of a QUORUM (193 people present).

The meeting adjourned at 8:50pm.

Respectfully Submitted,

Kaari Mai Tari  
Town Clerk